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California by and through Xavier Becerra, Attorney
General of the State of California*

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

**THE CALIFORNIA NATURAL
RESOURCES AGENCY, et al.,**

Plaintiffs,

v.

WILBUR ROSS, et al.,

Defendants.

Case No. 1:20-cv-00426-DAD-EPG

Related Case No. 1:20-cv-00431-DAD-EPG

**STIPULATION AND ORDER SETTING
BRIEFING SCHEDULE AND PAGE
LIMITS FOR PLAINTIFFS' MOTION
FOR PRELIMINARY INJUNCTION**

Date: May 7, 2020
Time: TBD
Dept: 5
Judge: Hon. Dale A. Drozd
Trial Date: Not set
Action Filed: February 20, 2020

This stipulation is entered by Plaintiffs the California Natural Resources Agency, the California Environmental Protection Agency, and the People of the State of California by and through California Attorney General Xavier Becerra (collectively, “Plaintiffs”); Defendants Wilbur Ross in his official capacity, Chris Oliver in his official capacity, David Bernhardt in his official capacity, Aurelia Skipwith in her official capacity, Brenda Burman in her official capacity, the National Marine Fisheries Service, the United States Fish and Wildlife Service, and the United States Bureau of Reclamation (collectively, the “Federal Defendants”); Intervenor-Defendants the Sacramento River Settlement Contractors and the Tehama-Colusa Canal Authority (collectively, the “Sacramento River Intervenors”); Intervenor-Defendants the South San Joaquin Irrigation District and Oakdale Irrigation District (“SSJID” and “OID,” respectively); Intervenor-Defendant the State Water Contractors; Intervenor-Defendants the San Luis & Delta-Mendota Water Authority and Westlands Water District; and Intervenor-Defendants the Friant Water Authority (“FWA”) and Arvin-Edison Water Storage District (“Arvin-Edison”) (collectively, the “Friant Intervenors”). All Intervenor Defendants collectively are referred to herein as the “Intervenor-Defendants.”

Plaintiffs, the Federal Defendants, and the Intervenor-Defendants are collectively referred to hereinafter as the “Parties.”

RECITALS

WHEREAS on February 20, 2020, Plaintiffs filed the instant action naming only the Federal Defendants as Defendants. *See* ECF No. 1.

WHEREAS on April 21, 2020, Plaintiffs filed a first amended complaint, a motion for preliminary injunction with a hearing date of May 19, 2020, and an ex parte application for an order shortening time for the hearing of that motion, along with accompanying documents. ECF Nos. 51–60.

WHEREAS on April 22, 2020, the Court entered a minute order reading:

The court has received and reviewed plaintiffs' ex parte request to shorten time ⁵² on the recently-filed motion for preliminary injunction (PI) ⁵⁴. Given the preliminary showing therein indicating that irreparable harm may ensue as early as May 11, 2020, the court intends to set a joint hearing on the PI motion and on the parallel PI motion in the companion case *Pacific Coast Federation of Fishermen's Associations v. Ross*,

1 1:20-cv-00431 DAD EPG, for either May 5, 6, or 7, 2020. Given the numbers of
2 parties involved, the court would prefer that all parties in both cases meet and confer
3 immediately in an effort to reach a stipulation to one or two proposed time(s) and
4 date(s) for the hearing that best suit their schedules. The court also requests that the
5 parties attempt to reach agreement as to a briefing schedule that would give the court
6 at least 7 calendar days prior to the hearing date to review any opposition(s) and at
7 least four calendar days to review any replies. The parties are cautioned that, in light
8 of this accelerated timeline, limiting participation by the intervenors to briefing of
9 issues that are truly unique to those intervenors will be necessary. For example, the
10 court does not anticipate having sufficient time to review declarations from intervenor
11 experts who plan to address issues already covered by the federal defendants, even if
12 those expert opinions diverge from federal defendants' expert opinions. Such nuanced
13 differences must, as a matter of practical reality, wait until briefing on the merits
14 takes place. Thus, any submission by intervenors must be strictly limited to issues and
15 opinions truly unique to the intervenor. Any stipulation should take this into account
16 or the court will consider imposing such constraints sua sponte.

17 ECF NO. 63.

18 WHEREAS the Parties have met and conferred as directed by the Court.

19 WHEREAS the Parties agree on a hearing date of May 7, 2020.

20 WHEREAS the Parties have reached agreement on a briefing schedule as follows: Federal
21 Defendants and Intervenor-Defendants must file any opposition(s) by noon Pacific Daylight Time
22 ("PDT") on April 30, 2020; Plaintiffs may file a reply brief until 11:59 PDT on May 3, 2020;
23 recognizing that the court directed the parties to allow four days between the reply brief and the
24 hearing, Plaintiffs will make every effort to file their reply brief sooner, if possible.

25 WHEREAS Plaintiffs and Federal Defendants agree that Federal Defendants' opposition
26 brief will be limited to no more than 25 pages.

27 WHEREAS Plaintiffs and Intervenor-Defendants agree that Intervenor-Defendants'
28 oppositions will be limited to no more than seven pages each.

WHEREAS the Sacramento River Intervenors have committed to filing a one-page
combined opposition brief.

WHEREAS the Parties agree that Plaintiffs may file a single reply brief of no more than 15
pages, plus three pages for each Intervenor-Defendant opposition timely filed, except that
Plaintiffs are entitled to only one extra page in reply to the Sacramento River Intervenors' one-
page combined opposition brief.

STIPULATION

NOW, THEREFORE, it is hereby stipulated by and between the Parties, through their respective counsel, as follows:

1. The hearing date on Plaintiffs' motion for preliminary injunction may be set for May 7, 2020, at a time to be determined by the court.
2. Federal Defendants and Intervenor-Defendants must file any opposition briefs by noon PDT on April 30, 2020; Plaintiffs may file a reply brief until 11:59 p.m. PDT on May 3, 2020, and will make every effort to file their reply brief sooner, if possible.
3. Federal Defendants' opposition brief will be limited to no more than 25 pages.
4. Intervenor-Defendants' oppositions will be limited to no more than seven pages each.
5. The Sacramento River Intervenors will file a one-page combined opposition brief.
6. Plaintiffs may file a single reply brief of no more than 15 pages, plus three pages for each Intervenor-Defendant opposition timely filed, except that Plaintiffs are entitled to only one extra page in reply to the Sacramento River Intervenors' one-page combined opposition brief.

Dated: April 27, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
TRACY L. WINSOR
Supervising Deputy Attorney General

/s/ Daniel M. Fuchs
DANIEL M. FUCHS
Deputy Attorney General
Attorneys for Plaintiffs
California Natural Resources Agency,
California Environmental Protection Agency,
and People of the State of California by and
through Attorney General Xavier Becerra

1 DATED: April 27, 2020

U.S. DEPARTMENT OF JUSTICE
ENVIRONMENTAL & NATURAL RESOURCES
DIVISION, WILDLIFE & MARINE
RESOURCES SECTION

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3
4 By: /S/ Lesley Lawrence-Hammer
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6 DATED: April 27, 2020

DOWNEY BRAND LLP

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9 Attorneys for Proposed Defendants-Intervenors
10 RECLAMATION DISTRICT NO. 108, SUTTER
MUTUAL WATER COMPANY; NATOMAS
11 CENTRAL MUTUAL WATER COMPANY;
RIVER GARDEN FARMS WATER COMPANY;
12 PLEASANT GROVE-VERONA MUTUAL
WATER COMPANY; PELGER MUTUAL
WATER COMPANY; MERIDIAN FARMS
13 WATER COMPANY; HENRY D. RICHTER, et al.;
HOWARD FARMS, INC.; OJI BROTHERS
14 FARM, INC.; OJI FAMILY PARTNERSHIP;
CARTER MUTUAL WATER COMPANY;
15 WINDSWEPT LAND AND LIVESTOCK
COMPANY; MAXWELL IRRIGATION
16 DISTRICT; BEVERLY F. ANDREOTTI, et al.;
TISDALE IRRIGATION AND DRAINAGE
17 COMPANY; PROVIDENT IRRIGATION
DISTRICT; PRINCETON-CODORA-GLENN
18 IRRIGATION DISTRICT and TEHAMACOLUSA
CANAL AUTHORITY

19
20
21 DATED: April 27, 2020

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22 By: /S/ Andrew Hitchings
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23 Attorneys for Defendants-Intervenors GLENN
COLUSA IRRIGATION DISTRICT;
24 RECLAMATION DISTRICT NO. 104;
CONAWAY PRESERVATION GROUP, LLC;
25 DAVID AND ALICE te VELDE FAMILY TRUST;
PELGER ROAD 1700, LLC; ANDERSON-
26 COTTONWOOD IRRIGATION DISTRICT; CITY
OF REDDING; and KNIGHTS LANDING
27 INVESTORS, LLC
28

1 DATED: April 27, 2020

O'LAUGHLIN & PARIS, LLP

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3 By: /S/ Timothy J. Wasiewski
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4 Attorneys for Proposed Defendant-Intervenor
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5 DATED: April 27, 2020

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9 Attorneys for Proposed Defendant-Intervenor
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DISTRICT

10 DATED: April 27, 2020

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THE STATE WATER CONTRACTORS

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15 Dated: April 27, 2020

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23 Dated: April 27, 2020

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25 By: /s/ Matthew G. Adams
Matthew G. Adams
26 Sara V. Mogharabi
27 Attorneys for Proposed Intervenor-Defendants Friant
Water Authority and Arvin-Edison Water Storage
28 District

ORDER

Pursuant to the Parties' Stipulation, the Court hereby orders as follows:

1. A hearing on Plaintiffs' motion for preliminary injunction is set for May 7, 2020, at 9:30 a.m. The hearing will be held via the Court's Zoom video conference system. The court will provide the parties with further details in advance of the hearing.

2. Federal Defendants may file a brief in opposition to Plaintiffs' motion for preliminary injunction no later than noon Pacific Daylight Time on April 30, 2020. Federal Defendants' opposition brief is limited to no more than 25 pages.

3. Intervenor-Defendants may each file a brief in opposition to Plaintiffs' motion for preliminary injunction no later than noon Pacific Daylight Time on April 30, 2020. Any submission by intervenors must be strictly limited to issues and opinions truly unique to the intervenor. Intervenor-Defendants' opposition briefs are limited to no more than seven pages each.

7. Plaintiffs may file a single, coordinated reply brief to all oppositions no later than 11:59 p.m. Pacific Daylight Time on May 3, 2020. Plaintiffs must make every effort to file their reply brief sooner, if possible. Plaintiffs' reply brief is limited to no more than 15 pages, plus three pages for each Intervenor-Defendant opposition timely filed, except that Plaintiffs are entitled to only one extra page in reply to the Sacramento River Intervenors' one-page combined opposition brief.

IT IS SO ORDERED.

Dated: **April 27, 2020**


UNITED STATES DISTRICT JUDGE